

## Message Text

CONFIDENTIAL

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ORIGIN L-03

INFO OCT-01 ARA-10 ISO-00 HA-05 IO-13 H-01 SS-15  
NSCE-00 SP-02 HEW-04 CIAE-00 DODE-00 INR-07  
NSAE-00 PA-01 PRS-01 SSO-00 USIE-00 INRE-00  
TRSE-00 /063 R

DRAFTED BY L/ARA:F.ARMSTRONG:JV  
APPROVED BY L/ARA:M.KOZAK  
USOAS - I. TRAGEN  
L/T - A. ROVINE  
-----001643 122348Z /61  
O 122313Z JAN 78  
FM SECSTATE WASHDC  
TO AMEMBASSY MEXICO IMMEDIATE

C O N F I D E N T I A L STATE 009196

E.O. 11652: GDS

TAGS: SHUM, MX

SUBJECT: POTENTIAL GOM SIGNATURE OF AMERICAN CONVENTION  
ON HUMAN RIGHTS

REF: HEAGHY/TRAGEN TELECON

FOR HEAGHY

1. YOU MAY WISH TO SHARE WITH THE GOM, ON AN INFORMAL CONFIDENTIAL BASIS, THE FOLLOWING POINTS CONCERNING U.S. SIGNATURE OF THE AMERICAN CONVENTION ON HUMAN RIGHTS. THE U.S. SIGNED THE CONVENTION IN THE BELIEF THAT ITS PROVISIONS WERE IN RELATIVELY CLOSE ACCORD WITH U.S. DOMESTIC LAW AND CONFIDENT THAT ITS INTERNATIONAL ASPECTS COULD BE HANDLED SUCCESSFULLY. THE DEPARTMENT'S DOCUMENTS TRANSMITTING THE COVENANT TO THE SENATE ARE NOW UNDER REVIEW IN CONFIDENTIAL

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THE WHITE HOUSE. IT IS ANTICIPATED THAT, WHEN THE PRESIDENT TRANSMITS THE CONVENTION TO THE SENATE FOR ITS ADVICE AND CONSENT TO RATIFICATION, HE WILL FORWARD A NUMBER OF RESERVATIONS WHOSE EFFECT WILL BE TO BRING THE SPECIFIC PROVISIONS OF THE CONVENTION INTO LINE WITH EXISTING U.S. LAW ON CIVIL AND POLITICAL RIGHTS. WE EXPECT TO RESERVE IN PART INTER ALIA TO ARTICLES 4 (ABORTION), 5 (CAPITAL PUNISH-

MENT), 8 (DIMENSIONS OF RIGHT TO COURT-APPOINTED COUNSEL),

13 (FREEDOM OF EXPRESSION), AND 14 (RIGHT OF REPLY). WE ALSO INTEND TO ATTACH A STATEMENT THAT CERTAIN PROVISIONS ARE GOALS TO BE ACHIEVED GRADUALLY RATHER THAN IMMEDIATELY BINDING STANDARDS; AND WE WILL BE DECLARING THE NON-SELF-EXECUTING NATURE OF THE SUBSTANTIVE PROVISIONS OF THE AGREEMENT. WE DO NOT FEEL THAT THE CONVENTION SHOULD BE USED AS A BACKDOOR METHOD OF CHANGING DOMESTIC LAW ON CIVIL AND POLITICAL RIGHTS--PARTICULARLY SINCE WE BELIEVE THAT, WITH A FEW SUBSTANTIVE RESERVATIONS, THE CONVENTION WILL BE ENTIRELY IN ACCORD WITH U.S. DOMESTIC LAW AND POLICY.

2. ON THE SUBJECT OF THE SUPRANATIONAL NATURE OF THE ORGANIZATIONS BEING ESTABLISHED BY THE AGREEMENT--AN ISSUE WHICH SEEMS TO BE OF PARTICULAR CONCERN TO THE GOM-- YOU MIGHT REMIND THE GOM THAT, UNDER ARTICLE 46, THE COMMISSION MAY ENTERTAIN A PETITION ONLY UPON A SHOWING THAT DOMESTIC REMEDIES HAVE BEEN PURSUED AND EXHAUSTED AND THAT, UNDER ARTICLE 62, THE COURT GAINS JURISDICTION ONLY BY THE VOLUNTARY DECLARATION OF STATES. THESE PROVISIONS SHOULD OFFER ANY STATE PARTY SUFFICIENT ASSURANCE THAT THE ORGANIZATIONS WILL RECOGNIZE ITS SOVEREIGNTY IN CARRYING OUT THEIR FUNCTIONS. WHILE IT IS THE NATURE OF THESE ORGANIZATIONS TO BE IN SOME SENSE "ABOVE" ANY PARTICIPATING STATE, THIS DOES NOT MEAN THAT THEIR ACTIVI-  
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TIES WILL CONSTITUTE INAPPROPRIATE INTERVENTION IN INTERNAL AFFAIRS, AS THEY WILL BE PERFORMING TASKS SPECIFICALLY ENTRUSTED TO THEM BY THE STATES PARTIES. YOU MIGHT ALSO SUGGEST THAT THE GOM DISCUSS ITS SUBSTANTIVE CONCERNS ABOUT THE AMERICAN CONVENTION WITH REPRESENTATIVES OF THE GOVERNMENTS OF VENEZUELA, COSTA RICA, HAITI, COLOMBIA, OR HONDURAS--AS THEY ARE ALL PARTIES TO THE CONVENTION AND HAVE LEGAL SYSTEMS BASED ON CIVIL LAW LIKE MEXICO.

3. FYI. WHEN THE CONVENTION IS TRANSMITTED TO THE SENATE, ALL THE INFORMATION CONTAINED IN PARAGRAPH 1 WILL BECOME PUBLIC KNOWLEDGE. CHRISTOPHER

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
**Concepts:** HUMAN RIGHTS  
**Control Number:** n/a  
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**Draft Date:** 12 jan 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
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**Review Markings:**  
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